

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ERIC WARNER,)
Plaintiff,) 8:07CV468
vs.) ORDER
EATON CORPORATION,)
as Plan Administrator of the Eaton)
Corporation Long Term Disability Plan,)
Defendant.)

This matter is before the court on the plaintiff's Motion to Substitute Defendant (Filing No. 13), the defendant's Stipulation to Plaintiff's Motion to Substitute Party (Filing No. 17), and the defendant and the interested party Eaton Corporation's Motion for Extension of Time (Filing No. 16). The plaintiff seeks to substitute Eaton Corporation as the defendant in this matter. The defendant has no objection to substituting Eaton Corporation in its capacity as the Plan Administrator of the Eaton Corporation Long Term Disability Plan. Additionally, the defendant seeks an extension of time for the parties to file their planning report pursuant to Federal Rule of Civil Procedure 26(f). The court finds that in the interest of justice, the plaintiff's motion should be granted consistent with the defendant's stipulation and good cause exists for an extension. Upon consideration,

IT IS ORDERED:

1. The plaintiff's Motion to Substitute Defendant (Filing No. 13) is granted.
2. The defendant's Stipulation to Plaintiff's Motion to Substitute Party (Filing No. 17) is granted. The caption in this matter is hereby amended as set forth above.
3. The Clerk of Court shall substitute Eaton Corporation as the Plan Administrator of the Eaton Corporation Long Term Disability Plan as the defendant in the place and stead of Aetna Insurance Company, the defendant of record.
4. The defendant and the interested party Eaton Corporation's Motion for Extension of Time (Filing No. 16) is granted.

5. The parties shall have until to **on or before February 28, 2008**, to file the report of the parties' planning conference pursuant to Fed. R. Civ. P. 26(f).

DATED this 13th day of February, 2008.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge